

The Child Welfare System Including Foster Care and Adoption Assistance

Each year concerned professionals and community members report nearly 500,000 instances in which they suspect that someone is abusing or neglecting a child in California.¹ California's child welfare system is the principal intervention resource for protecting these children, as well as children who are orphaned or abandoned. The system consists of a conglomeration of public and private agencies, institutions, programs and services. These entities and individuals respond to allegations of abuse and neglect, provide services to children and families who are victims or potential victims of abuse or neglect, and provide services to children in foster care who were temporarily or permanently removed from their homes because of abuse or neglect. In July, 2007, approximately 85,000 children in California lived in out-of-home or foster care.²

Federal and state laws provide the framework for child welfare services which are funded through a combination of federal, state and county sources. The California Department of Social Services (DSS) is the principal entity responsible for the state's child welfare system, although each of the state's 58 counties administers its own child welfare program. In other words, counties are the primary source of direct government interaction with children and families involved in the system. California is one of around a dozen states with this state-supervised/county-administered governance system. The Departments of Health Services, Mental Health, Alcohol and Drug Programs, and Developmental Services, along with their county counterparts, and the Administrative Office of the Courts and the Department of Education also provide services to children and families involved in the child welfare system.

Components of the system

Child welfare services include a variety of interventions designed to protect children from abuse and neglect. Major services include emergency response to reports of suspected abuse and neglect; family maintenance (which provides time-limited protective services to families in crisis); family reunification (which provides time-limited intervention and support services to help create a safe environment to which a child who was removed from home could return); and foster or out-of-home care. After a concerned individual reports an allegation of abuse or neglect, a county social worker determines if an investigation needs to occur and how quickly. An investigation may end the intervention, or it may begin the family's further involvement in the child welfare system.

¹ Needell, B., et. al. (2008). *Child Welfare Services Reports for California*. Retrieved February 20, 2008, from University of California at Berkeley Center for Social Services Research website. URL: <http://cssr.berkeley.edu/ucb_childwelfare>.

² *Id.*

Funding

The Governor's proposed budget for 2008-09 includes \$4.179 billion in spending from all funds for the child welfare system, of which \$1.14 billion are from the General Fund.³ The primary sources of federal funding for the child welfare system include Titles IV-B (child welfare services) and IV-E (foster care) of the Social Security Act, with additional funding in Titles IV-A (TANF), XIX (Medicaid) and XX (block grants).

Most stakeholders agree that current federal funding mechanisms for child welfare place a greater priority on supports to children while in foster care at the expense of prevention efforts and supports to help at-risk families care for their children at home. The federal Title IV-E program is an open-ended entitlement program that guarantees federal reimbursement to states for maintaining an eligible child in foster care. This program accounts for approximately 48% of federal child welfare spending in the states. The federal Title IV-B program provides funds to states for family preservation and support services, reunification services and adoption promotion. Unlike federal Title IV-E funding, Title IV-B funding is a capped entitlement and considered discretionary funding, which is subject to the annual appropriation process. Title IV-B is an important source of funding for prevention and early intervention services, yet these funds account for only approximately five percent of all federal funding on child welfare. Thus, federal financing has historically been a barrier to the implementation of many strategies to prevent children and their families from unnecessarily entering foster care.⁴

➤ *Foster Care*

Most of California's approximately 80,000 foster children entered foster care because of neglect (rather than abuse or abandonment). Three-quarters of these children were minorities or children of color in 2006. African-American children in particular were disproportionately represented.⁵ In 2006, foster children lived with foster parents (approximately 36% of placements), kin (36%), group home providers (or congregate care facilities, 8%), or in other living arrangements. Group care placements are the least preferred and most expensive (ranging from \$1,454 to \$6,371 per child per month) of these major placement categories.

Foster care is intended to provide children with temporary out-of-home placements until they can safely return home or be permanently placed with relatives or other committed adults. Yet in 2006, around 19,000 children for whom the state was responsible had been in our care and custody for longer than 5 years. That same year, 42% of children in foster care had been placed in at least 3 homes or institutions.

³ LAO, *Analysis of the 2008-09 Budget Bill*. URL: <http://www.lao.ca.gov/laoapp/Analysis.aspx?year=2008&chap=0&toc=0>

⁴ Two large counties, Los Angeles and Alameda, are currently participating in the federal Title IV-E Child Welfare Waiver Demonstration Capped Allocation Project that allows more flexibility for IV-E fund usage.

⁵ *Id.* (The California Department of Finance estimates that African-American children represented 8% of California's population in 2006; yet during that same year, 28% of children in foster care were African-American.)

Foster children are also highly at-risk as they transition to adulthood. Youth who "age out" of or "emancipate" from foster care at 18 (or up until the age of 21 in some circumstances) are especially vulnerable. When compared to children who were not in foster care, foster children are more than twice as likely to drop out of high school.⁶ Former foster children also face unemployment and incarceration at rates far higher than the general population.⁷ According to some studies, 24% to 50% of former foster children become homeless within the first 18 months of emancipation.⁸

In recent years, the Legislature, media and other leaders have devoted important attention to reforms of the overall child welfare system and foster care in particular. These efforts have resulted in some very positive changes (see below for examples). However, some changes have not been fully-implemented; and as the dire outcomes described above indicate, further attention to improving the system is still urgently needed.

➤ *Adoption & Guardianship*

Adoption is a process that creates a new parent-child relationship under the law- after the birth parents' rights are terminated and transferred. The majority of finalized adoptions in California are overseen by public adoption agencies, including CDSS district offices, and state-licensed county adoption agencies. The Adoption Assistance Program (AAP) provides benefits or subsidies to promote permanent placement of children in need of families who are difficult to place, including those who are older, members of sibling groups, or who have disabilities. Eligibility for federal benefits is based on the child's eligibility for federal Aid to Families with Dependent Children-Foster Care Program (AFDC-FC). The amount of financial assistance is based on the child's needs and cannot exceed the age-related, foster family home care rate for which the child would otherwise be eligible. This amounted to monthly federal and non-federal average grants in 2006-07 of \$761.16 and \$806.23, respectively. Payments continue until the child attains the age of 18 except in limited circumstances when it may continue until the child turns 21.

Guardianship is a legal arrangement whereby a court grants the responsibility to care for a child to an adult or adults who then have the authority to make decisions a biological parent would otherwise make. Guardianships last until the child reaches the age of 18 or the court terminates the guardianship. Non-relative guardians for children in the foster care system may receive AFDC-FC payments and other foster care services.

⁶ See, e.g., Mark Courtney & Amy Dworsky, Chapin Hall Center for Children, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 19* (2005); Advocates for Children's *Project Achieve: A Model Project Providing Education Advocacy for Children in the Child Welfare System* (2005); Retrieved October 12, 2007 from Advocates for Children of New York, Inc., URL: <http://www.advocatesforchildren.org/pubs/ProjectAchievefinal.doc>.

⁷ The Northwest Foster Care Alumni Study, Retrieved 4/30/07. URL: <http://www.casey.org/Resources/Publications>.

⁸ California Department of Social Services, All County Information Notice I-101-01 (November 21, 2001). Retrieved 11/16/07. URL: http://www.cdss.ca.gov/getinfo/acin01/pdf/I-101_01.pdf.

➤ *Kin/Relative Care*

Relative caregivers often serve as a primary if informal source of care for children whose parents are absent. Once a child is in foster care, federal law requires the child welfare agency to try and place the child with a relative before turning to placement in a stranger's home or another facility. Long-term kinship care is especially valuable because it provides greater stability for children. Children who are cared for by relatives move less frequently and remain more connected to their culture, identities and communities. By contrast to non-relative foster parents, relative caregivers tend to be older, single and more frequently African-American.

To support kinship care and combat the financial disincentive that might otherwise accompany relatives becoming guardians, California has enacted a series of legislative reforms. The Kinship Guardianship Assistance Payment program (Kin-GAP) is a voluntary program that provides financial assistance equal to the basic foster care rate based on the child's age to relative caregivers who become legal guardians. These relative guardians' homes must meet the same health and safety standards as licensed foster homes.

Performance Measures and Recent Reform Efforts

Outcome Measures

In November 1997, with the passage of the Adoption and Safe Families Act, Congress mandated that state's child welfare programs be assessed on the basis of outcomes achieved for children and families served by public agencies. In 1999 the federal Health and Human Services (HHS) agency adopted seven outcome performance measures in the areas of safety, permanence and well-being. HHS also established a review process for determining whether states are in compliance with those outcome measures. The process known as the Child and Family Services Review (CFSR) examines the delivery of child welfare services and the outcomes for children and families served by child protective services, foster care, adoption, and other related programs. In 2001 the Legislature passed AB 636 (Steinberg), the California Child Welfare System Improvement and Accountability Act, which provided the framework for measuring and monitoring the performance of each county child welfare system.

The federal government last reviewed California's child welfare system and published results in 2002. The state failed all seven of the outcome measures pertaining to child safety, permanence and well-being. As a result the state developed a Performance Improvement Plan (PIP) to avoid future funding penalties. According to the LAO, actions taken on the PIP were expected to improve California's performance to passing some (but not all) measures in the next round of results.⁹ The new round of reviews began in spring 2007, with California's taking place in February, 2008 (results pending).

⁹ See *Analysis of the 2007-08 Budget Bill: Health and Social Services; Child Welfare Services*. URL: http://www.lao.ca.gov/analysis_2007/health_ss/hss_13_anl07.aspx#Despite%20Substantial%20Improvement,%20Federal%20Financial%20Penalties%20Likely%20in%202007-08.

Assembly Select Committee on Foster Care

In October 2005 the Speaker appointed a Select Committee on Foster Care chaired by Assembly Member Karen Bass. The Select Committee has held hearings throughout California. The Committee also coordinated a 25-piece legislative package in 2006, as well as numerous efforts in 2007. The Legislature and Governor acted upon many of the proposed reforms in those years, including significant new funding. The Select Committee will continue its work this legislative session.

Blue Ribbon Commission on Children in Foster Care

In 2006 the Chief Justice of the Supreme Court appointed a Blue Ribbon Commission on Children in Foster Care chaired by Supreme Court Justice Carlos Moreno to provide leadership and develop recommendations and strategies to reduce the number of children in and entering foster care while ensuring they have safe, secure, and stable homes. The Commission is expected to present a final report to the Judicial Council in 2008.

The California Child Welfare Council

Also in 2006, the Governor signed AB 2216 (Bass) which created the California Child Welfare Council, an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children and youth in the child welfare and foster care systems. The Council is co-chaired by the Secretary of the Health and Human Services Agency and the Chief Justice of the California Supreme Court. The first meeting was held late in 2007.

Selected Legislation

SB 84 (Committee on Budget & Fiscal Review), Chapter 177, Statutes of 2007

Selected provisions:

- 5% rate increase for group homes, county foster family homes, Kin-GAP, and emergency assistance cases, effective January 1, 2008.
- 100% increase— from \$5000 to \$10,000— in maximum private adoption agencies can be reimbursed for a completed adoption, beginning February 1, 2008.
- \$35.7 million for Transitional Housing Plus- to provide housing and supportive services to emancipated foster youth ages 18-24.

AB 1808 (Committee on Budget), Chapter 75, Statutes of 2006.

Selected provisions:

- Eliminated county share of cost for transitional housing for former foster youth.
- Enhanced AAP benefits for a pilot project to increase successful adoptions of hard-to-adopt children.
- Extended Kin-GAP assistance to wards of the juvenile court in addition to dependent children of the juvenile court.
- Deleted requirement that county seeking to participate in KSSP must have 40% or more dependent children in relative care placement.
- Provided specialized care and clothing allowance benefits to Kin-GAP children.

AB 408 (Steinberg), Chapter 862, Statutes of 2003 & AB 1412 (Leno), Chapter 640, Statutes of 2005. Requires social workers to identify important people in the lives of older foster youth and to support their continued relationships to enhance permanence for youth. AB 408 also ensures that foster youth are allowed to participate in age-appropriate extracurricular activities.

AB 899 (Liu), Chapter 683, Statutes of 2001. Created foster youth Bill of Rights, codified in Calif. Welf. & Inst. Code Section 16001.9.

AB 636 (Steinberg), Chapter 678, Statutes of 2001. Child Welfare System Improvement and Accountability Act of 2001. Created California's Child and Family Service Review system and serves as a guide to the assessment process.

SB 2030 (Costa), Chapter 785, Statutes of 1998. Required DSS to commission a study to evaluate child welfare services budget methodology, social worker caseload levels, supportive services and prevention services for clients. The dialogue about the resulting caseload standards and related funding needs continues today.

Resources

The Performance Indicators for Child Welfare Services in California/California Children's Services Archive at the Center for Social Services Research, School of Social Welfare, U.C. Berkeley, provides an ongoing analysis and reporting using statewide and county-specific child welfare administrative data, along with data from other sources: <http://cssr.berkeley.edu/cwscmsreports/>

Understanding the Child Welfare System in California, California Center for Research on Women and Families. <http://www.ccrwf.org/publications/ChildWelfarePrimer.pdf>

Foster Care Fundamentals: An Overview of California's Foster Care System: A Primer for Service Providers and Policymakers, California State Library Research Bureau. <http://www.library.ca.gov/crb/01/08/01-008.pdf>

- *Still in Our Hands: A Review of Efforts to Reform Foster Care in California* (February 2003). Little Hoover Commission.
<http://www.lhc.ca.gov/lhcdir/report168.html>
- *Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care* (May 2004). Pew Commission.
<http://pewfostercare.org/research/docs/FinalReport.pdf>
- *Broken Promises: California's Inadequate and Unequal Treatment of its Abused and Neglected Children* (2006). National Center for Youth Law.
http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/2006_broken_promises.pdf

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